

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALVIN LUCKETT,

Case No. 3:16-cv-00943-SU

Plaintiff,

FINDINGS AND RECOMMENDATION

v.

PAM WRIGHT,

Defendant.

SULLIVAN, Magistrate Judge.

Plaintiff, an inmate in Mississippi, asks the court to issue a writ of replevin in his favor concerning the sum of \$700.00 that he claims was illegally taken from him by defendant. He appears to claim that the property is being held at a street address in Mississippi where defendant refuses to release it to him.

Where plaintiff is incarcerated in Mississippi and sues an individual about whom he provides no information regarding the

sum of \$700.00, it is unclear how the court has jurisdiction to adjudicate this case. Even if plaintiff could state a valid basis for jurisdiction, venue would not be proper in the District of Oregon.

Moreover, the court takes judicial notice that plaintiff has filed for replevin not only here, but in the Western District of Pennsylvania (*Luckett v. Howell*, 3:16-cv-00113-KRG-KAP), the Western District of Washington (*Luckett v. Moore*, 2:16-cv-00141-MKD), and twice in the District of Nebraska (*Luckett v. Craft*, 8:14-cv-00234-LES-PRSE and *Luckett v. Walker*, 8:15-cv-01210-JMG-PRSE). Plaintiff did not secure relief in any of these cases.

Because it is apparent that this court lacks jurisdiction over this matter, and venue would otherwise be inappropriate in Oregon, the court should summarily dismiss this case without leave to amend. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

RECOMMENDATION

Plaintiff's Motion for Writ of Replevin (#2) should be summarily dismissed for failure to state a claim without leave to amend. Additionally, for the reasons set forth above, this court should certify that any appeal from this order would not

be taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

SCHEDULING ORDER

This Findings and Recommendation will be referred to a district judge. Objections, if any, are due within 14 days. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 13th day of July, 2016.

/s/ Patricia Sullivan

Patricia Sullivan
United States Magistrate Judge